

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

NISHIMURA

Atty. Ref.: 723-1495; Confirmation No. 7340

Appl. No. 10/820,057

TC/A.U. 2628

Filed: April 8, 2004

Examiner: J.M. Crawford

For: STORAGE MEDIUM AND GAME DEVICE STORING IMAGE GENERATING  
PROGRAM

\* \* \* \* \*

October 17, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE  
TO RECEIVE OFFICE ACTION**

Applicant hereby petitions the USPTO to withdraw the Holding of Abandonment based on the failure of applicant to receive the Office Action dated March 31, 2008. See MPEP §711.03(c)I(A).

The Notice of Abandonment dated October 14, 2008 indicates that the instant application was abandoned because a Response was not filed in response to the Office Action *allegedly* mailed March 31, 2008. Upon receiving the Notice of Abandonment dated October 14, 2008, a review of the USPTO's PAIR system indicated that a Non-Final Rejection was allegedly mailed March 31, 2008. However, the applicant (including the undersigned) never received the Office Action dated March 31, 2008.

The applicant (including the undersigned) has searched the file jacket and docket records relating to the instant application, and both indicate that the Office Action dated March 31, 2008 was not received by applicant. A copy of the relevant docket record relating to this case is attached hereto, evidencing that the Office Action dated March 31, 2008 was not received by applicant. The attached docket sheet, last updated October 15, 2008, does not indicate any Office Action having been received. Thus, the attached docket sheets clearly indicate that the Office Action dated March 31, 2008 was not received by applicant.

In view of the above, it is respectfully requested that the Notice of Abandonment dated October 14, 2008 be withdrawn, and that a new Office Action be mailed to applicant.

It is believed that no fee is necessary. However, the Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers. Please advise if there should be any questions.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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Docket Number	0231495	Attorney	Mon E. Nabbaum
Country	United States	Attorney #2	Leo Bourasian
Case Type	Utility Appeal	Attorney #3	
Relation Type	Original Filing	Client Name	Ogawa Patent Office
Filing Type	Non PCT	Assignee/Applicant	NINTENDO CO. LTD
		Client Reference No	P-1474

## STORAGE MEDIUM AND GAME DEVICE STORAGE IMAGE GENERATING

Invention Filing Date	PCT Publication No. Customer/Accus./Remarks	External File Priority Info/Cases Case	Related Cases Dates	Rolled Cases Dates Actions/Due Dates	Title Map Note
Action		Action Due Date	Related Date	Max Date/Completed Date	Action Notes
Missing parts filed					
To Action Filed Date					
No Foreign Filing					
Filing Incept (DTH)					
US Filing				7/29/2007	
Application Examined?	2/6/2004			4/8/2004	
Miscellaneous Paths Processed?	7/6/2004			4/8/2004	
File #1-7	7/6/2004			4/8/2004	
Filing Incept Processed?	13/6/2004			8/29/2004	
Other Action Filed?	13/6/2004				
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ATTY	CLINTR	SERIAL NO.	DESCRIPTION	DATE
FPP	3392-148	171394712	TM GMO Response	8-20-08
ASB	11-1310	2147243	late Renewal	7-29-08
DJB	1721-163	771435634	Foreign Filing	DD14
DJB	1721-162	771435594	Foreign Filing	DD14
BSN	4595-40	101004440	TM Commo. Resp.	9-17-08
JR	4595-40	111282646	GMO Resp	6-30-08
SCS	124-1102	10525844	2 mo. Single Resp (F)	5-30-08
MJS	4105-42	111028262	1 Mo. Resp (5x)	4/22/08
JHN	3584-21	19214310	1 Mo. Resp (5x)	4/3/08
HL	2018-109	111901762	Commo. Resp	6-30-08
BHD	1220-109	101525642	Commo Final Resp	DROP
BHD	1220-109	101525642	Commo Ate Appeal	DROP
MJS	160-495	111389534	Commo Final Resp	new 08
MJS	160-495	111389534	Commo Ate Appeal	new 08
LSN	4002-130	111024439	Commo. Resp	DROP
RWA	205-210	111806611	Commo. Resp	7-20-08
WAS	783-1508	14991202	Commo. Resp	6/23/08
GRT	3687-42	101415820	Commo. Resp.	4-10-08
JHN	1585-358	111610177	Commo. Resp.	6-20-08
DJB	1721-160	771435454	TM FF DUE	DD14
DJB	1721-161	771435537	TM FF DUE	DD14
DJB	1721-164	771435388	TM FF DUE	DD14
DJB	1721-165	771435353	TM FF DUE	DD14
DMB	10-1640	171436250	TM FF DUE	9-28-08
BJS	35-293	11211889	1 Mo Response (5x)	ABD
SCS	550-462	101647106	GMO Response	8-22-08
LCM	3816-72	11250514	GMO Response	Suppl. C/A 10-20-08
JRL	4432-3	11213852	GMO Response	new 08
JSP	4593-32	11300339	GMO Response	6-30-08
BJS	2365-28	041782520	GMO Response	9-30-08
ARC	227-158	101513142	GMO Response	4-25-08
JRL	4432-4	11334481	GMO Response	withdrawn as attorney
MNL	2018-1094	111121291	GMO Response	6-30-08
BSN	36-1935	101549582	GMO Response	6/26/08
BHD	1226-110	101538845	GMO FR Response	DROP
BHD	1226-110	101538845	GMO NRV 1 Appeal	DROP
JRL	723-1710	111175044	GMO FR Response	7-9-08
JRL	723-1710	111175044	GMO NRV 1 Appeal	7-9-08
BHD	1812-53	24142879	2 MO Response (5x)	4-21-08
KYM	2635-378	111509846	1 MO Response (5x)	4-21-08
MNL	2635-413	111652123	1 MO Response (5x)	4-28-08
FPP	3452-8	2147243	late Renewal	DD14 final

ATTY	CLYNTN	SERIAL NO.	DESCRIPTION	WOMET
RYM	4090-9	10/698,948	CA MO Final Resp	9-24-08
RYM	4090-9	10/698,948	CA MO NC Appeal	9-30-08
DMA	4041-42	78/798,661	6 MO TM Final Resp	ADD
DMB	4091-92	78/798,661	CA MO Mot of Appeal	ADD
SES	124-1198	11/665540	Issue Fee / Pub Fee	31708
SES	124-1198	11/665540	Drawings	DOCT
MNL	839-1757	11/206,029	Issue Fee	7-9-08
MNL	839-1757	11/206,029	Drawings	DDK
SES	124-1102	10/520,849	Obvious Response (F)	MNL
BHD	4062-24	10/386,665	Req for Rehearing	DDK
BHD	4062-24	10/386,665	Appeal to Court	DDK